

COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David M. Pepper) Examiner: Daniel J. Petkovsek
) Art Unit: 2874
)
Patent Appl: 09/877,976) Our Ref: B-3918
) 617820-9
Filed: June 8, 2001)
) Date: May 18, 2004
)
For: "ELECTRO-OPTICAL) Re: <i>Comments on Statement of</i>
PROGRAMMABLE TRUE-TIME) <i>Reasons for Allowance</i>
DELAY GENERATOR")

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Examiner's statement of reasons for allowance presented in the Notice of Allowance, dated February 23, 2004. The Applicants hereby request that this paper be entered as Comments on the Statement of Reasons for Allowance. **All remarks herein are made without prejudice.**

REMARKS

In the section containing the Examiner's statement of reasons for allowance, the Examiner states that, "Method restrictions (claims 40 - 43) of same device of independent claim 31 are also allowed." It appears from this language that the Examiner is asserting that Claims 40 - 43 are dependent on Claim 31. However, Claim 40 is a independent claim that does not depend on Claim 31 or any other claim. Claims 41 - 43 depend directly only on Claim 40. Therefore, the Applicant submits that it is inappropriate to assert that the device claimed in Claim 31 somehow limits the scope of Claims 40 - 43.. The Applicant submits that the scope of Claims 40 - 43 defined by the text of these claims and the equivalents to these claims, and not by the Examiner's Reasons for Allowance.

The Applicant objects to the Examiner's Reasons for Allowance in regard to Claims 40 - 43, since these reasons do not at least recite the specific text used in the allowed independent Claim 40. Therefore, the Applicant respectfully requests that the stated reasons for Claims 40 - 43 be withdrawn. The Applicant further request that if the Examiner feels compelled to issue Reasons for Allowance, such reasons should use the actual text of each of the allowed independent claims.

I hereby certify that this correspondence is being facsimile transmitted to Fax No. 703-872-9306 and addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 18, 2004

(Date of Deposit)

Ross A. Schmitt

(Name of Person Transmitting)

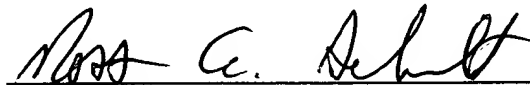


(Signature)

5-18-2004

(Date)

Respectfully submitted,



Ross A. Schmitt

Attorney for Applicants

Reg. No. 42,529

LADAS & PARRY

5670 Wilshire Boulevard, Suite 2100

Los Angeles, California 90036

(323) 934-2300